

SEP 11 2017

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11  
12 SUPERIOR COURT OF CALIFORNIA  
13 COUNTY OF RIVERSIDE  
14 (Riverside)

15 THE PEOPLE OF THE STATE OF CALIFORNIA,

Case Number: RIF1503316

16  
17 Plaintiff,

PEOPLE'S REQUEST FOR  
DISPOSITION/RULING UNDER  
PENAL CODES

18  
19 v.

§§ 1203.3, 1203.4, 1203.4a, 17(b)

20  
21 BENJAMIN RUSSELL SHAFER,

22  
23 Defendant.

24 INTRODUCTION

25 "The prosecuting attorney shall be given a two day written notice and an opportunity to be  
26 heard . . . except that, as to modify(ing) or terminating a protective order in a case involving  
27 domestic violence... the prosecuting attorney shall be given a five-day written notice and an  
28 opportunity to be heard." (Pen. Code, § 1203.3, subd. (b)(1).) "Relief shall not be granted under  
29 this section unless the prosecuting attorney has been given 15 days' notice of the petition for  
30 relief. The probation officer shall notify the prosecuting attorney when a petition is filed,  
31 pursuant to this section." (Pen. Code, § 1203.4, subd. (e)(1).)

32 PEOPLE'S REQUEST

33 The People request the court grant relief pursuant to ☐ 1203.3 ☐ 1203.4 ☐ 1203.4a ☐ 17(b).

34 The People request the court deny relief pursuant to ☐ 1203.3 ☒ 1203.4 ☐ 1203.4a ☐ 17(b)

35 for the following reason(s):

36 ///

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JPEI - 27 COURT OF CALIF  
C. J. ... SIDE

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1Y \_\_\_\_\_

- 1 ☒ Petitioner presents no competent evidence for the court to grant relief.  
2 ☐ Petitioner was not granted probation. Petitioner was sentenced to state prison.  
3 ☐ Petitioner is currently serving a sentence, charged with an offense, and/or is on probation.  
4 ☐ Crime is enumerated in ☐ 1203.4(b) ☐ 1203.4(c).  
5 ☐ Petitioner was found in violation of probation on \_\_\_\_\_.  
6 ☐ Petitioner committed new law violation(s) on \_\_\_\_\_.  
7 ☐ Fines and fees not paid. \_\_\_\_\_ still owed.  
8 ☐ Restitution not paid. \_\_\_\_\_ still owed.  
9 ☐ 1203.3 early termination is not appropriate. Petitioner has been on probation for \_\_\_\_\_.  
10 ☐ Bargained for disposition – Court lacks the authority to change plea agreement to terminate  
11 probation early (People v. Segura (2008), 44 Cal 4<sup>th</sup> 921.)  
12 ☐ 17(b) is inapplicable because crime is not punishable as a misdemeanor.  
13 ☐ Circumstances of the offense and the defendant's background do not support 17(b).  
14 ☐ Motion previously denied on \_\_\_\_\_.  
15 ☒ Other: DEFENDANT WAS NOT PLACED ON PROBATION, AND HAS NOT  
16 PROVIDED EVIDENCE THAT INTERESTS OF JUSTICE ARE SERVED BY  
17 GRANTING RELIEF.  
18 ☐ People request Court order attorney's fees for services of the public defender.  
19 ☒ People request Court order reimbursement to the County for costs of \$150, per §1203.4(d).  
20 ☒ People request Court order reimbursement to the County for costs of \$60, per §1203.4a(e).

### 22 CONCLUSION

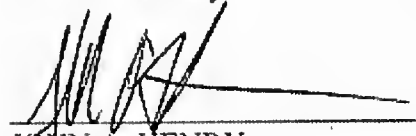
23 The People respectfully request that defendant's request for relief under Penal Code section  
24 ☐ 1203.3 ☒ 1203.4 ☐ 1203.4a ☐ 17(b) be granted.

25 For all the foregoing reasons, the People respectfully request that defendant's request for  
26 relief under Penal Code section ☐ 1203.3 ☒ 1203.4 ☐ 1203.4a ☐ 17(b) be denied.

27  
28 Dated: 09/06/17

29 Respectfully submitted,

30 MICHAEL A. HESTRIN  
31 District Attorney

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33  
34 JOHN A. HENRY  
35 Supervising Deputy District Attorney

36 JAH:ler